

रजिस्टर्ड नं० पी० ४६१



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

---

शिमला, शुक्रवार, ३१ जुलाई, १९७०/६ श्रावण, १८६२

---

**GOVERNMENT OF HIMACHAL PRADESH**

**LAW DEPARTMENT**

**NOTIFICATION**

*Simla-2, the 22nd July, 1970*

**No. 6-23/69-LR.**—The Indian Stamp (Himachal Pradesh Amendment) Bill, 1969 (Bill No. 15 of 1969) after having received the assent of the President on the 26th June, 1970, under sub-section (2) of section 25 of

६१४ असाधारण राजपत्र, हिमाचल प्रदेश, ३१ जुलाई, १९७०/६ श्रावण, १८६२ ,

---

the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra, Himachal Pradesh as Act No. 16 of 1970.

JOSEPH DINA NATH,  
*Under Secretary (Judicial).*

Act No. 16 of 1970.

**THE INDIAN STAMP (HIMACHAL PRADESH AMENDMENT) ACT, 1969**

AN

ACT

*to amend the Indian Stamp Act, 1899 (2 of 1899) in its application to Himachal Pradesh.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Stamp (Himachal Pradesh Amendment) Act, 1969.

(2) It extends to the whole of Himachal Pradesh.

2. In the Indian Stamp Act, 1899, in its application to Himachal Pradesh for Schedule I-A annexed to the said Act, the Schedule hereinafter annexed to this Act shall be substituted.

3. The Indian Stamp (Punjab Amendment) Act, 1922, the Indian Stamp (Punjab Amendment) Act, 1960, the Indian Stamp (Punjab Amendment) Act, 1964, and the Indian Stamp (Punjab Amendment) Act, 1965, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and the Schedule I-A as extended to old areas of Himachal Pradesh by the Government of India, Ministry of Home Affairs notification No. G.S.R. 518 (F. 4/4/63-UTL-65) dated the 18th March, 1964 are hereby repealed:

Provided that anything done or any action taken under the aforesaid Acts shall be deemed to have been done or taken under this Act.

4. The Indian Stamp (Himachal Pradesh Amendment) Act, 1952 (except Schedule I-A) as amended from time to time, as applicable to and in force in the old areas and all rules, regulations, notifications, orders made, and all directions or instructions issued, thereunder, which are in force in the old areas are hereby extended to and shall be in force in the areas transferred under section 5 of the Punjab Re-organisation Act, 1966, to Himachal Pradesh.

**SCHEDULE I-A**

**STAMP DUTY ON CERTAIN INSTRUMENTS**

*Note.*—The articles in Schedule I-A are numbered so as to correspond with similar articles in Schedule I.

Description of Instrument 1	Proper Stamp Duty 2
1. Acknowledgement of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt, in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession:	Twenty-five paise.

Short title and extent.

Substitution of Schedule I-A, annexed to the Indian Stamp Act, 1899.

Repeal and savings.

Extension of the Indian Stamp (Himachal Pradesh Amendment) Act, 1952.

8 of 1922  
34 of 1960  
24 of 1964  
6 of 1965

31 of 1966

4 of 1953

1 of 1966

Provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.

2. Administration Bond, including a bond given under section 6 of the Government Savings Bank Act, 1873, or section 291, 375 and 376 of the Indian Succession Act, 1925:—

(a) where the amount does not exceed Rs. 1,000;

(b) in any other case

3. ADOPTION-DEED, that is to say, any instrument (other than a Will), recording an adoption, or conferring or purporting to confer an authority to adopt.

The same duty as a Bond (No. 15) for such amount.

Fifteen rupees.

Thirty-seven rupees, fifty paise.

ADVOCATE—See entry as an Advocate (No. 30).

- 4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.

Three rupees.

#### *Exemptions*

Affidavit or declaration in writing when made—

- (a) as a condition of enrolment under the Army Act, 1950; or Air Force Act, 1950;
- (b) for the immediate purpose of being filed or used in any court or before the officer of any Court; or
- (c) for the sole purpose of enabling any person to receive any pension or charitable allowance

5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—

(a) if relating to the sale of a bill of exchange;

Forty paise.

(b) if relating to the sale of a Government Security or share in an incorporated company or other body corporate;

Subject to a maximum of twenty-two rupees and fifty paise, twenty-five paise for every Rs. 10,000 or part thereof of the value of the security or share.

(c) if not otherwise provided for

Two rupees, twenty-five paise.

#### *Exemptions*

Agreement or memorandum of agreement—

- (a) for or relating to the sale of goods or merchandise exclusively, not



1

2

- being a Note or Memorandum chargeable under No. 43;  
(b) made in the form of tenders to the Central Government for or relating to any loan.

AGREEMENT TO LEASE—See Lease (No. 35).

6. Agreement relating to Deposit of Title—Deeds, Pawn or Pledge, that is to say, any instrument evidencing an agreement relating to—

(1) the deposit of title—deeds, or instruments constituting or being evidence of the title to any property whatever (Other than a marketable security), or

(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—

(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement—

(i) when the amount of loan or debt does not exceed Rs. 200. Sixty paise.

(ii) when it exceeds Rs. 200, but does not exceed Rs. 400. One rupee, twenty paise.

when it exceeds Rs. 400, but does not exceed Rs. 600. One rupee, sixty-five paise.

when it exceeds Rs. 600, but does not exceed Rs. 800. One rupee, ninety-five paise.

when it exceeds Rs. 800, but does not exceed Rs. 1,000. Two rupees, seventy paise.

when it exceeds Rs. 1,000, but does not exceed Rs. 1,200. Three rupees, thirty paise.

when it exceeds Rs. 1,200, but does not exceed Rs. 1,600. Four rupees, twenty paise.

when it exceeds Rs. 1,600, but does not exceed Rs. 2,500. Six rupees, thirty paise.

when it exceeds Rs. 2,500, but does not exceed Rs. 5,000. Twelve rupees, seventy-five paise.

when it exceeds Rs. 5,000, but does not exceed Rs. 7,500. Eighteen rupees, seventy-five paise.

when it exceeds Rs. 7,500, but does not exceed Rs. 10,000. Twenty-four rupees, forty-five paise.

1	2
when it exceeds Rs. 10,000, but does not exceed Rs. 15,000.	Thirty-seven rupees, ninety-five paise.
when it exceeds Rs. 15,000, but does not exceed Rs. 20,000.	Forty-nine rupees, ninety-five paise.
when it exceeds Rs. 20,000, but does not exceed Rs. 25,000.	Sixty-one rupees, ninety-five paise.
when it exceeds Rs. 25,000, but does not exceed Rs. 30,000.	Seventy-six rupees, five paise.
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000.	Twenty-four rupees, forty-five paise.
(b) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable on a loan or debt under clause (a) (i) or clause (a)(ii) for the amount secured.

### Exemption

Instrument of pawn or pledge of goods if unattested.	—
7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a Will.	Thirty-seven rupees, fifty paise.
8. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—	
(a) where the amount does not exceed Rs. 1,000;	The same duty as a Bottomry Bond (No. 16) for such amount.
(b) in any other case	Fifteen rupees.

### Exemptions

(a) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.	
(b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
9. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being articles of clerkship (No. 11).	As in Schedule I.

*Exemption*

Instrument of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by or at the charge of, any public charity.

10. ARTICLES OF ASSOCIATION OF A COMPANY—

- (a) when the authorised capital of the company does not exceed one lac;  
(b) in other cases

Sixty rupees.

One hundred and twenty rupees.

*Exemption*

Article of any Association not formed for profit and registered under section 25 of the Companies Act, 1956.

See also Memorandum of Association of a Company (No. 39).

11. ARTICLES OF CLERKSHIP

As in Schedule I.

ASSIGNMENT—See Conveyance (No. 23), Transfer (No. 62), and Transfer of Lease (No. 63), as the case may be.

ATTORNEY—See entry as an Attorney (No. 30), and Power of Attorney (No. 48).

AUTHORITY TO ADOPT—See Adoption-Deed (No. 3).

12. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—

- (a) where the amount or value of the property to which the award relates as set forth in such award, does not exceed Rs. 1,000;  
(b) if it exceeds Rs. 1,000, but does not exceed Rs. 5,000;  
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.

The same duty as a Bond (No. 15) for such amount.

Fifteen rupees.

One rupee, fifteen paise subject to a maximum of one hundred and twelve rupees, fifty paise.

13. BILL OF EXCHANGE

As in Schedule I.

14. BILL OF LADING (including a through bill of lading).

As in Schedule I.

15. BOND as defined by section 2(5), not being a DEBENTURE (No. 27), and not being otherwise provided for by this Act or by the Court-fees Act, 1870—
- |   |                                |
|---|--------------------------------|
| where the amount or value secured does not exceed Rs. 10;     | Thirty paise.                  |
| where it exceeds Rs. 10 and does not exceed Rs. 50;           | Sixty paise.                   |
| where it exceeds Rs. 50 and does not exceed Rs. 100;          | One rupee, fifteen paise.      |
| where it exceeds Rs. 100 and does not exceed Rs. 200;         | Two rupees, twenty-five paise. |
| where it exceeds Rs. 200 and does not exceed Rs. 300;         | Three rupees, forty paise.     |
| where it exceeds Rs. 300 and does not exceed Rs. 400;         | Four rupees, fifty paise.      |
| where it exceeds Rs. 400 and does not exceed Rs. 500;         | Five rupees, sixty-five paise. |
| where it exceeds Rs. 500 and does not exceed Rs. 600;         | Nine rupees.                   |
| where it exceeds Rs. 600 and does not exceed Rs. 700;         | Ten rupees, fifty paise.       |
| where it exceeds Rs. 700 and does not exceed Rs. 800;         | Twelve rupees.                 |
| where it exceeds Rs. 800 and does not exceed Rs. 900;         | Thirteen rupees, fifty paise.  |
| where it exceeds Rs. 900 and does not exceed Rs. 1,000;       | Fifteen rupees.                |
| and for every Rs. 500 or part thereof in excess of Rs. 1,000; | Seven rupees, fifty paise.     |

See Administration Bond (No. 2), Bottomry Bond (No. 16), Customs Bond (No. 26), Indemnity Bond (No. 34), Respondentia Bond (No. 56), Security Bond (No. 57).

### *Exemption*

Bond when executed by any person for the purpose of guaranteeing that the local income derived from private subscription to a charitable dispensary or hospital or to any other object of public utility, shall not be less than a specified sum per mensem.

16. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on a security of the ship to enable

- him to preserve the ship or prosecute her voyage—  
 where the amount or value secured does not exceed Rs. 10; Thirty paise.  
 where it exceeds Rs. 10 and does not exceed Rs. 50; Sixty paise.  
 where it exceeds Rs. 50 and does not exceed Rs. 100; One rupee, fifteen paise.  
 where it exceeds Rs. 100 and does not exceed Rs. 200; Two rupees, twenty-five paise.  
 where it exceeds Rs. 200 and does not exceed Rs. 300; Three rupees, forty paise.  
 where it exceeds Rs. 300 and does not exceed Rs. 400; Four rupees, fifty paise.  
 where it exceeds Rs. 400 and does not exceed Rs. 500; Five rupees, sixty-five paise.  
 where it exceeds Rs. 500 and does not exceed Rs. 600; Six rupees, seventy-five paise.  
 where it exceeds Rs. 600 and does not exceed Rs. 700; Seven rupees, ninety paise.  
 where it exceeds Rs. 700 and does not exceed Rs. 800; Nine rupees.  
 where it exceeds Rs. 800 and does not exceed Rs. 900; Ten rupees, fifteen paise.  
 where it exceeds Rs. 900 and does not exceed Rs. 1,000; Eleven rupees, twenty-five paise.  
 and for every Rs. 500 or part thereof in excess of Rs. 1,000. Five rupees, sixty-five paise.
17. CANCELLATION—Instrument of (including any instrument by which any instrument previously executed is cancelled) if attested and not otherwise provided for. Fifteen rupees.  
 See also Release (No. 5), Revocation of Settlement (No. 58-B), Surrender of Lease (No. 61), Revocation of Trust (No. 64-B).
18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer. The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
19. CERTIFICATE OR OTHER DOCUMENT evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, Forty paise.

1

2

scrip or stock in or of any such company or body.

20. CHARTER PARTY, that is to say, any instrument (except an agreement for the hire of a tug steamer), whereby a vessel or some specified principal part thereof is let for the specified purposes of the Charterer, whether it includes a penalty clause or not. Three rupees.

22. COMPOSITION-DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of licence, for the benefit of his creditors. Thirty rupees.

23. Conveyance as defined by section 2(10) not being a Transfer charged or exempted under No. 62. Where conveyance amounts to sale of immovable property. Other conveyances.

	(a)	(b)
where the value or amount of the consideration for such conveyance as set forth therein does not exceed Rs. 50;	Three rupees.	One rupee and fifty paise.
where it exceeds Rs. 50, but does not exceed Rs. 100;	Six rupees.	Three rupees.
where it exceeds Rs. 100, but does not exceed Rs. 200;	Twelve rupees.	Six rupees.
where it exceeds Rs. 200, but does not exceed Rs. 300;	Eighteen rupees.	Nine rupees.
where it exceeds Rs. 300, but does not exceed Rs. 400;	Twenty-four rupees.	Twelve rupees.
where it exceeds Rs. 400, but does not exceed Rs. 500;	Thirty rupees.	Fifteen rupees.
where it exceeds Rs. 500, but does not exceed Rs. 600;	Thirty-six rupees.	Eighteen rupees.
where it exceeds Rs. 600, but does not exceed Rs. 700;	Forty-two rupees.	Twenty-one rupees.
where it exceeds Rs. 700, but does not exceed Rs. 800;	Forty-eight rupees.	Twenty-four rupees.

1

2

	(a)	(b)
where it exceeds Rs. 800, but does not exceed Rs. 900;	Fifty-four rupees.	Twenty-seven rupees.
where it exceeds Rs. 900, but does not exceed Rs. 1,000;	Sixty rupees.	Thirty rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Thirty rupees.	Fifteen rupees.

### Exemption

Assignment of copyright under the Copyright Act, 1957, Section 18.

Co-PARTNERSHIP-DEED. See partnership (No. 46).

24. COPY OR EXTRACT certified to be true copy or extract, by or by order of any public officer and not chargeable under the law for the time being in force relating to Court-fees—

- (i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed two rupees; One rupee, fifteen paise.
- (ii) in any other case not falling within the provisions of section 6-A. Three rupees.

### Exemptions

(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.

(b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.

25. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid—

- (a) if the duty with which the original instrument is chargeable does not exceed two rupees; One rupee, fifteen paise.
- (b) in any other case not falling within the provisions of section 6-A. Three rupees.

*Exemption*

Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.

## 26. CUSTOMS-BONDS—

- (a) where the amount does not exceed Rs. 1,000;  
(b) in any other case.

The same duty as a Bond (No. 15) for such amount. Fifteen rupees.

## 27. DEBENTURE (Whether a mortgage debenture or not), being a marketable security transferable—

- (a) by endorsement or by a separate instrument of transfer;  
(b) by delivery

As in Schedule I.

As in Schedule I.

*Explanation.*—The term “Debenture” includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.

*Exemption*

A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders; provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.

See also Bond (No. 15) and sections 8 and 55. Declaration of any Trust—See Trust (No. 64).

28. DELIVERY ORDER IN RESPECT OF GOODS, DEPOSIT OF TITLE-DEEDS—  
See Agreement relating to Deposit of Title-Deeds, Pawn or Pledge (No. 6).

Twenty-five paise.

Dissolution of Partnership—See Partnership (No. 46).

## 29. DIVORCE, Instrument of—that is to say, any instrument by which any person effects the dissolution of his marriage.

Thirty rupees.

DOWER, Instrument of—See Settlement (No. 58).

DUPLICATE—See Counterpart (No. 25).



1

2

30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF THE HIGH COURT—

- (a) in the case of an Advocate or Vakil; Seven hundred and fifty rupees.  
(b) in the case of an Attorney Seven hundred and fifty rupees.

*Exemption*

Entry of an Advocate, Vakil or Attorney on the roll of the High Court, when he has previously been enrolled in any other High Court.

31. EXCHANGE OF PROPERTY, Instrument of—  
EXTRACT—See Copy (No. 24).

The same duty as a Conveyance (No. 23) as levied by this Act for consideration equal to the value of the property of greatest value as set forth in such instrument.

32. FURTHER CHARGE, Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—

- (a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40, that is, with possession;

The same duty as a mortgage-deed with possession [No. 40 (a)] for the amount equal to the amount of the further charge secured by such instrument.

- (b) when such mortgage is one of the description referred to in clause (b) of Article No. 40 (that is, without possession)—

- (i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;

The same duty as a mortgage-deed with possession [No. 40 (a)] for the amount equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.

- (ii) if possession is not so given

The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.

33. GIFT-Instrument of, not being a Settlement (No. 58), or Will or Transfer (No. 62).

The same duty as a Conveyance (No. 23) as levied by this Act for a consideration equal to the value of the

HIRING AGREEMENT or Agreement for Service—See Agreement (No. 5).

34. INDEMNITY BOND

INSPECTORSHIP-DEED—See Composition-deed (No. 22).

35. LEASE, including an under-lease or sub-lease and any agreement to let or sub-let—

- (a) where by such lease the rent is fixed and no premium is paid or delivered—
- (i) where the lease purports to be for a term of less than one year;
- (ii) where the lease purports to be for a term of not less than one year, but not more than five years;
- (iii) where the lease purports to be for a term exceeding five years and not exceeding ten years;
- (iv) where the lease purports to be for a term exceeding 10 years, but not exceeding 20 years;
- (v) where the lease purports to be for a term exceeding 20 years, but not exceeding 30 years;
- (vi) where the lease purports to be for a term exceeding 30 years, but not exceeding 100 years;
- (vii) where the lease purports to be for a term exceeding 100 years or in perpetuity;

property as set forth in such instrument.

The same duty as a Security Bond (No. 57) for the same amount.

The same duty as a Bond (No. 15) for the whole amount payable or deliverable under such lease.

The same duty as a Bond (No. 15) for the amount or value of the average annual rent reserved.

The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to the amount or value of the average annual rent reserved.

The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to twice the amount or value of the average annual rent reserved.

The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to three times the amount or value of the average annual rent reserved.

The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to four times the amount or value of the average annual rent reserved.

The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal in the case of a lease

(viii) where the lease does not purport to be for any definite term;

(b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved;

(c) where the lease is granted for a fine or premium or for money advanced, in addition to rent reserved.

### Exemption

Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

In this exemption a lease for the purposes of cultivation shall include a lease of lands for cultivation together with a homestead or tank.

**Explanation.**—When a lessee undertakes to pay any recurring charge, such as

granted solely for agricultural purposes to 1/10th and in any other case to 1/6th of the whole amount of rents which would be paid or delivered in respect of the first fifty years of lease.

The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.

The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.

The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered:

Provided that, in any case when an agreement to lease is stamped with the ad valorem stamp required for a lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed one rupee and fifty paise.

Government revenue, the land-lords share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.

36. LETTER OF ALLOTMENT OF SHARES

Thirty paise.

37. LETTER OF CREDIT

As in Schedule I.

LETTER OF GUARANTEE—See Agreement (No. 5).

38. LETTER OF LICENSE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.

Thirty rupees.

39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

(a) if accompanied by articles of association under sections 26, 27 and 28 of the Companies Act, 1956;

Sixty rupees.

(b) if not so accompanied

One hundred and fifty rupees.

*Exemption*

Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956.

40. MORTGAGE-DEED, not being an agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 6), Bottomry Bond (No. 16), Mortgage of a Crop (No. 41), Respondentia Bond (No. 56), or Security Bond (No. 57),—

(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given—

where the amount secured by such instrument does not exceed Rs. 50;

One rupee, fifteen paise.

where it exceeds Rs. 50, but does not exceed Rs. 100;

Two rupees, twenty-five paise.

where it exceeds Rs. 100, but does not exceed Rs. 200;

Four rupees, fifty paise.

where it exceeds Rs. 200, but does not exceed Rs. 300;

Six rupees, seventy-five paise.

where it exceeds Rs. 300, but does not exceed Rs. 400;

Nine rupees.

where it exceeds Rs. 400, but does not exceed Rs. 500;

Eleven rupees, twenty-five paise.

1	2
where it exceeds Rs. 500, but does not exceed Rs. 600;	Thirteen rupees, fifty paise.
where it exceeds Rs. 600, but does not exceed Rs. 700;	Fifteen rupees, seventy-five paise.
where it exceeds Rs. 700, but does not exceed Rs. 800;	Eighteen rupees.
where it exceeds Rs. 800, but does not exceed Rs. 900;	Twenty rupees, twenty-five paise.
where it exceeds Rs. 900, but does not exceed Rs. 1,000;	Twenty-two rupees, fifty paise.
and for every Rs. 500 or part thereof in excess of Rs. 1,000;	Eleven rupees, twenty-five paise.
(b) when possession is not given or agreed to be given as aforesaid;	The same duty as a Bond (No. 15) for the amount secured by such deed.

*Explanation.*—A mortgagor who gives to the mortgagee a Power of Attorney to collect rents or a lease of the property mortgaged or part thereof is deemed to give possession within the meaning of this article;

- (c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above-mentioned purposes where the principal or primary security is duly stamped—

for every sum secured not exceeding Rs. 1,000; One rupee, fifteen paise.

and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000. One rupee, fifteen paise.

### *Exemptions*

- (1) Instruments, executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties as security for the repayment of such advances.

41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—

- (a) when the loan is repayable not more than three months from the date of the instrument—

for every sum secured not exceeding Rs. 200; Fifteen paise.

1	2
and for every Rs. 200 or part thereof secured in excess of Rs. 200;	Fifteen paise.
(b) when the loan is repayable more than three months, but not more than eighteen months, from the date of the instrument—	
for every sum secured not exceeding Rs. 100;	Thirty paise.
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Thirty paise.
42. NOTARIAL ACT,—that is to say, any instrument, endorsement, note, attestation certificate or entry not being a Protest (No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	Four rupees, fifty paise.
See also Protest of Bill or Note (No. 50).	
43. NOTE OR MEMORANDUM, sent by a Broker or Agent to his Principal intimating the purchase or sale on account of such Principal—	
(a) of any goods exceeding in value twenty rupees;	Forty paise.
(b) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of thirty rupees, thirty paise, for every Rs. 10,000 or part thereof of the value of the stock or security.
44. NOTE OF PROTEST BY THE MASTER OF A SHIP.	Seventy-five paise.
45. PARTITION, Instrument of as defined by section 2(15).	The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.
	<i>N.B.</i> —The largest share remaining after the property is partitioned (or, if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated:

Provided always that—

- (a) when an instrument of partition containing an agreement to divide property in severally is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than one rupee, fifteen paise;
- (b) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than ten times the annual revenue;
- (c) where a final order for effecting a partition passed by any Revenue Authority or any Civil Court or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such orders or award is subsequently executed, the duty on such instrument shall not exceed one rupee, fifteen paise.

46. PARTNERSHIP—

A—Instrument of—

- (a) where the capital of the partnership does not exceed Rs. 500; Three rupees, seventy-five paise.
- (b) in any other case Twenty-two rupees, fifty paise.

B—Dissolution of—

PAWN OR PLEDGE—See Agreement relating to Deposit of Title-deed, Pawn or Pledge (No. 6). Fifteen rupees.

47. POLICY OF INSURANCE	As in Schedule I.
48. POWER OF ATTORNEY [as defined by section 2(21)], not being a Proxy (No. 52),—	
(a) when executed or the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	One rupee, fifty paise.
(b) when required in suits or proceedings under Presidency Small Cause Courts Act, 1882;	One rupee, fifty paise.
(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a);	Three rupees.
(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally;	Fifteen rupees.
(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	Thirty rupees.
(f) when given for consideration and authorising the attorney to sell any immovable property;	The same duty as a Conveyance (No. 23) as levied by this Act for the amount of consideration.
(g) in any other case	Three rupees for each person authorised.

*N.B.*—The term “registration” includes every operation, incidental to registration under the Indian Registration Act, 1908.

*Explanation.*—For the purpose of this article more persons than one when belonging to the same firm shall be deemed to be one person.

49. PROMISSORY NOTE	As in Schedule I.
50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.	Three rupees.
51. PROTEST BY THE MASTER OF A SHIP	As in Schedule I.
52. PROXY	As in Schedule I.



53. RECEIPT

As in Schedule I.

54. RECONVEYANCE OF MORTGAGED PROPERTY—

(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000;

The same duty as a Conveyance (No. 23) as levied by this Act, for the amount of such consideration as set forth in the reconveyance.

(b) in any other case—

(i) if the reconveyance relates to immovable property situate within a Municipality, Cantonment Board, Small Town or Notified Area;

Forty-five rupees.

(ii) in other cases

Thirty rupees.

55. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23-A) whereby a person renounces a claim upon another person or against any specified property—

(a) if the amount or value of the claim does not exceed Rs. 1,000;

The same duty as a Bond (No. 15) for such amount or value as set forth in the Release.

(b) in any other case

Fifteen rupees.

56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.

The same duty as Bottomry Bond (No. 16) for the amount of the loan secured.

REVOCATION OF ANY TRUST OR SETTLEMENT—See Settlement (No. 58), Trust (No. 64).

57. SECURITY-BOND OR MORTGAGE DEED, executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract or the due discharge of a liability—

(a) when the amount secured does not exceed Rs. 1,000;

The same duty as a Bond (No. 15) for the amount secured.

(b) in any other case

Fifteen rupees.

*Exemptions*

Bond or other instrument when executed—

(a) by any person for the purpose of

guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem;

- (b) by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturist's Loans Act, 1884, or by their sureties, as security for the repayment of such advances;
- (c) by officers of Government or their sureties to secure the due execution of an office, or the due accounting for money or other property received by virtue thereof.

#### 58. SETTLEMENT—

A—Instrument of (including a deed of dower).

The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled as set forth in such settlement.

#### *Exemption*

Deed of dower executed on the occasion of a marriage between Muhammadans.

B—Revocation of—

See also Trust (No. 64).

The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument of revocation but not exceeding thirty rupees.

#### 59. SHARE WARRANTS to bearer issued under the Companies Act, 1956.

One-and-a-half times the duty payable on a mortgage-deed with possession [No. 40(a)] for the amount equal to the nominal amount of the shares specified in the warrant.

#### *Exemptions*

Share warrant when issued by a company in pursuance of the Companies Act, 1956. section 114, to have effect only upon payment, as composition for that duty, to the Collector of stamp revenue of—

- (a) one-and-a-half percentum of the whole subscribed capital of the company; or

(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—one-and-a-half per centum of the additional capital so issued.

60. SHIPPING ORDER

Fifteen paise.

61. SURRENDER OF LEASE—

(a) when the duty with which the lease is chargeable does not exceed ten rupees;

The duty with which such lease is chargeable.

(b) in any other case

Fifteen rupees.

*Exemption*

Surrender of lease, when such lease is exempted from duty.

62. TRANSFER (whether with or without consideration)—

(a) of shares in an incorporated company or other body corporate;

As in Schedule I.

(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;

One-half of the duty payable on a debenture (No. 27) for a consideration equal to the face amount of the debenture.

(c) of any interest secured by a bond, mortgage-deed or policy of insurance;

One-half of the duty with which such bond, mortgage-deed or policy of insurance is chargeable subject to a maximum of seventy-five rupees.

(d) of any property under the Administrator-General's Act, 1913, section 25;

Twenty-two rupees, fifty paise.

(e) of any trust-property without consideration from one trustee to another trustee, or from a trustee to a beneficiary.

Eleven rupees, twenty-five paise or such smaller amount as may be chargeable under clauses (a) to (c) of this article.

*Exemptions*

Transfers by endorsement—

(a) of a bill of exchange, cheque or promissory note;

(b) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;

(c) of a policy of insurance;

(d) of securities of the Central Government.

See also section 8.

1	2
63. TRANSFER OF LEASE by way of assignment, and not by way of under-lease.	The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to the amount of the consideration for the transfer.
<i>Exemption</i>	
Transfer of any lease exempt from duty.	
64. TRUST—	
A—Declaration of—of, or concerning any property when made by any writing not being a Will.	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding <u>forty-five</u> rupees.
B—Revocation of—of, or concerning any property when made by any instrument other than a Will.	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding <u>thirty</u> rupees.
See also Settlement (No. 58) Valuation. See Appraisement (No. 8) <u>Vakil</u> —See entry as Vakil (No. 30).	
65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	One rupee, <u>fifteen</u> paise.